

AO 440 (Rev. 8/01) US Summons in a Civil Action

JUDGE KARAS

ORIGINAL

UNITED STATES DISTRICT COURT

Southern

District of

New York

BioFuels Operating Company, LLC,

SUMMONS IN A CIVIL ACTION

V.

Parsons & Whittemore Enterprises Corporation.

CASE NUMBER:

07 CIV 8712

TO: (Name and address of Defendant)

Parsons & Whittemore Enterprises Corporation
4 International Drive
Rye Brook, NY 10573

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

David M. Burkoff, Esq.
WilmerHale LLP
399 Park Avenue
NY, NY 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

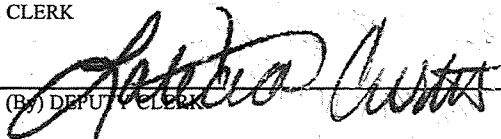
J. MICHAEL McMAHON

OCT 09 2007

CLERK

DATE

(By) DEPUTY CLERK



EPS Judicial Process Service, Inc.
29-27 41st Avenue, Suite 812
Long Island City, NY 11101
Telephone: 718-472-2900
Facsimile: 718-472-2909

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BIOFUELS OPERATING COMPANY, LLC

Plaintiff (s),

Case No. 07 CV 8712
AFFIDAVIT OF SERVICE

-against-

PARSONS & WHITTEMORE ENTERPRISES
CORPORATION,

Defendant (s).

-----X
STATE OF NEW YORK)
 :s.s.:
COUNTY OF QUEENS)

ANTHONY CALDERON, being duly sworn, deposes and says:

I am not a party to this action, am over the age of eighteen years, and
reside in the State of New York.

On the 2nd day of November, 2007, at approximately 10:43 a.m. at 4 International Drive, Rye Brook, New York, I served true copies of the SUMMONS IN A CIVIL CASE; COMPLAINT; CORPORATE DISCLOSURE STATEMENT OF PLAINTIFF BIOFUELS OPERATING COMPANY, LLC; and PROCEDURES FOR ELECTRONIC CASE FILING; in the above-entitled action, upon PARSONS & WHITTEMORE ENTERPRISES CORPORATION, defendant herein named, by personally delivering to and leaving thereat true copies of the above mentioned documents with Richard Minke, Esq. At time of service, Mr. Minke identified himself as an attorney for Parsons & Whittemore Enterprises Corporation and as a person authorized to accept service of process for Parsons & Whittemore Enterprises Corporation.


Mr. Minke is a Caucasian male, approximately 60-65 years of age, 5'6" tall, 155 lbs, with light hair and dark eyes.

Sworn to before me this
2nd day of November, 2007



NOTARY PUBLIC

EDWIN PATRICK SANTAMARIA
Notary Public, State of New York
No. 01SA6062013
Qualified in ~~New York~~ Queens County
Commission Expires July 30, 20 09



ANTHONY CALDERON
Organization License No. 1155020